

REMARKS

This Amendment, submitted in response to the Office Action dated April 19, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-46 are all the claims pending in the application.

Preliminary Matters

The Examiner has objected to claim 45 stating that there is no illustration of bending, as recited in claim 45, in the figures. Fig. 6 illustrates a metal plate 50A forming the terminal body 50 developed in a U-shape with rectangular pieces 55a and 55b formed on the respective side edges of belt-like plates in the battery terminal 100. Further, by bending the rectangular pieces 55a and 55b inward from both sides and overlapping both of them to form the seat portion 53 for the stud bolt 80, it is possible to set short the projected length of the rectangular pieces 55a and 55b while sufficient strength is maintained. See page 26, second full paragraph of the specification for the present invention. See also Fig. 1. Since the aspects of claim 45 are disclosed in the figures, the objection to claim 45 should be withdrawn.

Claim Rejections

Claims 1-45 are pending in the present application. Claims 1-42 have been allowed. Claim 43 has been objected to for informalities. Claim 43 has been amended for informalities. Therefore, Applicant respectfully requests that the objection to claim 43 be withdrawn.

Claims 1, 10, 18, 26, 32, 38, 43 and 44 have amended as indicated above. The amended claims more accurately describe the relationship between the flange portion and the battery terminals.

Claims 43-44 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 43-44 have also been rejected under 35 U.S.C. § 102(b) as being anticipated by Wiesler (U.S. Patent No. 5,021,013). Claim 45 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukuda et al. (U.S. Patent No. 4,747,793) in view of related art figure 12. Applicant submits the following in traversal of the rejections.

Rejection of claims 43-44 under § 112, second paragraph

The Examiner states that it is unclear in line one of claim 43 as to what is fitted. Claim 43 states that “An adaptor attached to a stud bolt type battery post and fitted with a battery terminal...”. Therefore, Applicant respectfully submits that it is apparent upon reading claim 1, that an *adapter*, attached to a stud bold type battery post, is fitted with a battery terminal.

The Examiner additionally states that it is unclear what is meant by the recitation that the flange is “at least identical” with an outer diameter of the cylindrical body as recited in claim 44. Clarification for the language of claim 44 can be found on for example, page 20, first full paragraph of the specification as originally filed. In order to make a battery post adaptor as small in size as possible, according to an embodiment of the claimed invention, the face-to-face dimension of a hexagonal portion is set equal to or slightly greater than the outer diameter of a tubular terminal mounting portion.

Based upon the foregoing, the language of claims 43 and 44 are not indefinite. However, in order to expedite prosecution of the present application, claim 44 has been amended to clarify the flange portion. Consequently, the rejection of claims 43 and 44 under § 112, second paragraph, should be withdrawn.

Rejection of claims 43-44 under § 102(b) as being anticipated by Wiesler

The Examiner asserts that Wiesler discloses the elements of claims 43 and 44. Claim 43 recites a flange portion formed on a top portion of the cylindrical body to be clamped by a screwing tool. Assuming the Examiner is citing nut 22 on cylindrical body 21 of Wiesler for teaching the flange portion of claim 43, nut 22 is not formed on a top portion of shaft portion 21 (cylindrical body as cited by the Examiner). It is apparent upon viewing Fig. 2, that nut 22 is formed on the center portion, and not top portion, of shaft portion 21.

Assuming the Examiner is referring to the end portion of bolt 20 for teaching the claimed flange portion, the end portion of bolt 20 is not engaged with a top end face of a battery terminal (washer end 14 as cited by the Examiner). Therefore, Wiesler does not teach the elements of claim 43. Thus, claim 43 and its dependent claims should be deemed patentable.

Rejection of claim 45 under § 103(a) as being unpatentable over Fukuda in view of related art figure 12

Claim 45 recites that a first portion of a single metal plate is bent in a substantially U-shape. Claim 45 has been amended to further define the U-shaped structure of the first portion as indicated above. Since the claimed U-shaped structure is not disclosed in Fukuda in view of related art, claim 45 should be deemed patentable.

Furthermore, Applicant submits that related art Fig. 12 does not qualify as prior art for purposes of a 35 U.S.C. § 103(a) rejection.

Applicant has added claim 46 to provide a more varied scope of protection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 09/873,364

Attorney Docket No.: Q64831

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Ruthleen E. Uy
Registration No. 51,361

Date: July 19, 2004